

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

|                          |   |                  |
|--------------------------|---|------------------|
| CANAL INSURANCE COMPANY, | ) |                  |
|                          | ) |                  |
| Plaintiff,               | ) |                  |
|                          | ) |                  |
| v.                       | ) | CIVIL ACTION NO. |
|                          | ) | 1:16cv82-MHT     |
| INA TRUCKING, LLC,       | ) | (WO)             |
| et al.,                  | ) |                  |
|                          | ) |                  |
| Defendants.              | ) |                  |

OPINION AND ORDER

After an independent and de novo review of the record, it is ORDERED as follows:

- (1) The recommendation of the magistrate judge (doc. no. 41), to which no objection has been filed, is adopted.
- (2) The motion to dismiss (doc. no. 19) is granted as to the counterclaim asserted by defendant M.B.P., and said counterclaim is dismissed without prejudice.
- (3) The motion to dismiss (doc. no. 33) is granted, and the indemnity claim asserted by plaintiff

Canal Insurance Company is dismissed without prejudice.

(4) The motion to dismiss and alternative motion to stay (doc. no. 33) are in all remaining respects denied as moot.

(5) The motion to dismiss (doc. no. 28) is denied.

(6) The motion to stay (doc. no. 40) is denied.

It is further ORDERED that this cause is referred back to the magistrate judge for the appropriate proceedings.

DONE, this the 27th day of March, 2017.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE